

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

WILLIAM WHITED

December 21, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)
vs. Plaintiff,)
vs.) CASE NO.
WESTROCK SERVICES, INC.,) 3:16-CV-02510
Defendant.)

VIDEOTAPED DEPOSITION OF
WILLIAM LEE "TOMMY" WHITED
Taken on Behalf of the Plaintiff
December 21, 2017
Commencing at 9:14 a.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

	Page 2	Page 4
1 APPEARANCES:		1 The videotaped deposition of WILLIAM
2 For the Plaintiff:		2 LEE "TOMMY" WHITED was taken on behalf of the
3 HEATHER MOORE COLLINS		3 Plaintiff on December 21, 2017, in the offices of
ANNE HUNTER		4 Barrett Johnston Martin & Garrison, 414 Union
PAIGE LYLE		5 Street, Suite 900, Nashville, Tennessee, for all
Collins & Hunter		6 purposes under the Federal Rules of Civil Procedure.
7000 Executive Center Drive		7 The formalities as to notice, caption,
Building 2, Suite 320		8 certificate, et cetera, are waived. All objections,
Brentwood, Tennessee 37027		9 except as to the form of the questions, are reserved
(615) 724-1996		10 to the hearing.
heather@collinshunter.com		
anne@collinshunter.com		11 It is agreed that Jerri L. Porter,
paige@collinshunter.com		12 being a Notary Public and Court Reporter for the
9		13 State of Tennessee, may swear the witness, and that
For the Defendant:		14 the reading and signing of the completed deposition
10		15 by the witness are reserved.
MARY DOHNER SMITH		16
Constangy, Brooks, Smith & Prophete		17
1010 SunTrust Plaza		18
401 Commerce Street		19
Nashville, Tennessee 37219		20
(615) 320-5200		21 * * *
mdohner@constangy.com		22
14		23
15 For the Witness:		24
16 DOUG JOHNSTON		25
Barrett Johnston Martin & Garrison		
414 Union Street		
Suite 900		
Nashville, Tennessee 37219		
(615) 244-2202		
djohnston@barrettjohnston.com		
21 Also Present:		
22 Sophia Gordon, Videographer		
23		
24		
25		
	Page 3	Page 5
1		1 P R O C E E D I N G S
2 INDEX OF EXAMINATIONS		2 VIDEOGRAPHER: We are now on the
3	Page	3 record. The time on the monitor is 9:14 a.m.
4 Examination By Ms. Collins	6	4 Today's date is December 21st, 2017. This marks
5 Examination By Ms. Dohner Smith	60	5 the beginning of Disk 1 of the deposition of William
6 Examination By Ms. Collins	82	6 Tommy Whited.
7 Examination By Ms. Dohner Smith	85	7 Would counsel please introduce yourselves
8 Examination By Mr. Johnston	86	8 and state whom you represent.
9		9 MS. COLLINS: Heather Collins for the
10		10 plaintiff.
11		11 MS. DOHNER SMITH: Mary Dohner -- oh,
12		12 sorry. We've got co-counsel.
13 PREVIOUSLY MARKED EXHIBITS		13 MS. HUNTER: Anne Hunter for plaintiff.
14 PRESENTED TO WITNESS		14 MS. LYLE: Paige Lyle for plaintiff.
15 Exhibit Description Page		15 MS. DOHNER SMITH: Mary Dohner Smith on
16 No. 24 8/30/16 Whited Separation Notice	23	16 behalf of the defendant.
17		17 MR. JOHNSTON: Doug Johnston on behalf
18		18 of the witness.
19		19 VIDEOGRAPHER: Would the court reporter
20		20 please swear in the witness.
21		21 * * *
22 Reporter's Note: All proper names in the		22 WILLIAM LEE "TOMMY" WHITED
23 transcript are spelled phonetically, unless		23 was called as a witness, and after having been first
24 spelling is provided by counsel or witness.		24 duly sworn, testified as follows:
25		

	Page 6	Page 8
1	E X A M I N A T I O N	
2	BY MS. COLLINS:	
3	Q Good morning. Could you state your complete	1 A Yes, that's correct. Prior to that, it was
4	name for the record, please?	2 kind of split between the two.
5	A William Lee Whited.	3 Q What was the percentage prior to that?
6	Q And Mr. Whited --	4 A You know, it's really difficult to say. I
7	A I'm sorry. They call me Tommy.	5 was back and forth between the two. I probably
8	Q Okay. Mr. Whited, what is your address?	6 spent 70 percent of my time at the sheet plant.
9	A I live at 271 Greenfield Lane, in	7 Q When did y'all get that piece of equipment
10	Castalian Springs, Tennessee.	8 so that you started spending more time at the
11	Q What is that zip code?	9 fulfillment center?
12	A 37031.	10 A The piece of equipment was delivered during
13	Q And what is your phone number?	11 the holidays, and we started installation on
14	A My cell phone number is (615) 948-1956, and I	12 January 4th of 2016.
15	do not have a landline at home.	13 Q Who was your immediate supervisor?
16	Q Okay. What is your date of birth?	14 A Tom Pedine.
17	A April 3rd, 1953.	15 Q In the hierarchy at WestRock, were you the
18	Q Are you currently employed?	16 highest ranking management official at the Gallatin
19	A I am not.	17 facility?
20	Q Where was -- where were you last employed?	18 A On a daily basis, yes.
21	A With WestRock.	19 Q How often was Tom Pedine at the Gallatin
22	Q When did that employment end?	20 plant in 2015/2016?
23	A That was August 30th of 2016.	21 A I'm going to have to guess. I don't
24	Q Okay. At the time that you were terminated,	22 remember exactly, but Tom probably visited the plant
25	what was your job title?	23 three or four times.
	Page 7	Page 9
1	A I was the general manager for the Gallatin	1 A Helen Kendall was the HR representative for
2	plant operations.	2 the plant.
3	Q The Gallatin plant operations, that refers	3 Q What was Ms. Kendall responsible for as the
4	to two facilities, the sheet plant and the	4 HR representative?
5	fulfillment center, correct?	5 A Helen actually was the -- my -- she doubled
6	A That's correct.	6 as the office assistant, the administrative
7	Q Okay. How long were you in that position?	7 assistant. She was responsible for keeping the
8	A I took that position in, I believe it was	8 payrolls, taking care of employee files, managing
9	1986.	9 inventory reporting to the home office, a number of
10	Q Of those two facilities, where was your	10 things along those lines.
11	office located?	11 Q Could people also make complaints if they
12	A Actually, my office was at the sheet plant.	12 were having problems with another employee to Helen?
13	Q Okay. How much time in the last two years	13 A They could go to Helen and she certainly had
14	of your employment did you spend at the fulfillment	14 the authority to report them to the business unit HR
15	center?	15 rep and the area and regional reps.
16	A The majority of my time in that -- in the	16 Q Who was the business unit HR rep?
17	last year was probably at the fulfillment center.	17 A Terri Henley is the business unit. Or she
18	Q Why was that?	18 was. I assume she still is.
19	A We had taken on some -- an account for GE,	19 Q How often did Ms. Henley come out to the
20	General Electric, piece of business there that	20 Gallatin facilities in 2015?
21	required the installation of a one of a kind piece	21 A I'm guessing again, but I remember a couple
22	of equipment that -- and I was asked by my boss to	22 of times that she visited the plant.
23	get it up and running and make the thing successful.	23 Q When Ms. Henley would come out to the
24	Q Okay. And so that was in 2016 that you	24 Gallatin plants, what was typically the purpose of
25	spent most of your time at the fulfillment center?	25 her visit?

Page 10	Page 12
1 A Usually we'd talk about training or --	1 harassment during that time frame?
2 that's really all -- the only thing I remember her 3 coming for in 2015 was training.	2 A I truly don't recall any. 3 Q As a WestRock manager, did you have to do 4 any sort of online courses for -- that related to 5 your sexual harassment policies?
4 Q What kind of training? 5 A We were changing some of our -- putting in 6 kiosks and those type things, and I think she was 7 there to work with Helen on some of that type of 8 stuff.	6 A We did some online courses, and I do not 7 remember what all of the makeup of those things 8 were. There were a number of them that we did. 9 Q When you did those, did you have to sign off 10 saying that you did that?
9 Q Kiosks for what? 10 A For employees to be able to do the employee 11 surveys and those type things.	11 A I did. 12 Q Okay. Who maintained the employee files out 13 at the Gallatin facilities?
12 Q Were the employee surveys just done on an 13 annual basis? 14 A Yes.	14 A I'm sorry? 15 Q Who maintained the employee files out at the 16 Gallatin --
15 Q Were they done at a specific time each year? 16 A They were. They came about during a certain 17 period, and I'm not sure exactly what that period 18 was.	17 A That was Helen. Helen Kendall. 18 Q What about your file? Was that also 19 maintained out at Gallatin or was that maintained at 20 a regional office, to your knowledge?
19 Q Okay. What about 2016? Was her presence at 20 the plant about the same?	21 A You know, to my knowledge, it was -- it was 22 maintained outside the plant. Corporate, I think,
21 A No. Actually, she -- it increased. She -- 22 she was there more often.	23 is where the -- our files were. Now, that's to the 24 best of my knowledge. I can't swear that that's 25 where they were.
23 Q Why was she there more often in 2016? 24 A I -- I did ask that question, and she told 25 me she was just there to -- a couple of times she	
Page 11	Page 13
1 told me she was just there because she was going to 2 Murfreesboro and she wanted to stop by and visit and 3 she was just killing some time.	1 Q And when you say corporate, where are you 2 referring to?
4 Q Was that around the end of 2016, when she 5 was conducting an investigation, or was that in 6 general, she was just around more?	3 A Our home office was in Norcross, Georgia. 4 Q A moment ago you mentioned surveys. When 5 the employees did these annual surveys, did you 6 receive a summary of the results of those surveys?
7 A Probably started to see some of the -- her 8 coming by in midyear.	7 A Yes.
9 Q Okay. Who would she typically meet with 10 when she would come out?	8 Q What sort of information did the summary 9 provide?
11 A She would -- she would see Helen, see 12 myself. And I can't tell you who else she met with. 13 I just don't know.	10 A It was primarily a rating on a variety of 11 topics that told us how we were doing.
14 Q Okay. When she would come out, would she go 15 to both facilities, to your knowledge?	12 Q Did you get any specific feedback other than 13 a rating? Like examples of comments employees had 14 made without --
16 A I know she would sometimes. I can't tell 17 you if she always did or not. I wouldn't know the 18 answer to that.	15 A Yes. There was a comment section in the -- 16 at the -- I think it was at the end of the survey, 17 there were comments in there.
19 Q At the Gallatin plants -- and I'm 20 specifically sort of narrowing it down to the 21 2015/2016 time frame -- did y'all have any sort of 22 specific training for employees, non-management 23 employees, for sexual harassment?	18 Q Would it identify who had made the comment? 19 A Would it -- as far as having their names? 20 Q Yes.
24 A I do not recall any.	21 A No, no.
25 Q Did management have training for sexual	22 Q As the -- as the general manager of the 23 Gallatin facilities, were you typically made aware 24 of complaints, of employee complaints? 25 A I -- I can't tell you that I was aware of

<p>1 all complaints, because I don't know what all of 2 them may have been. It was -- if there were 3 complaints, I was certainly made aware of some 4 complaints. Whether or not it was all of them, I 5 can't answer that for you.</p> <p>6 Q Who would make you aware if a complaint had 7 been made?</p> <p>8 A Generally, that would come from my plant 9 manager, and that was Larry Eden.</p> <p>10 Q What about global hotline complaints? Were 11 you made aware of those?</p> <p>12 A Not through Larry Eden, no. Any -- those 13 type things, if I heard anything about them, it 14 would be through Terri Henley, yes, Terri Henley, 15 the HR rep for the business unit.</p> <p>16 Q How would she notify you of a global hotline 17 complaint that pertained to the Gallatin plants?</p> <p>18 A Terri talked to me about one, and if I -- 19 the best of my recollection was that it was on one 20 of her visits that we talked about it.</p> <p>21 Q Tell me about that.</p> <p>22 A The complaint was -- had to do with a 23 forklift driver that had a -- felt like he had been 24 not adhered to over some of his concerns about 25 loading a truck.</p>	<p>Page 14</p> <p>1 frame?</p> <p>2 A The one that I just mentioned is really 3 the -- it's the only one I recall.</p> <p>4 Q When you said you would look into a 5 complaint, what do you mean by that? What would you 6 do?</p> <p>7 A As with that particular complaint, I really 8 didn't have to look into it, because I'd already 9 addressed the situation from it. If there was -- 10 and that's really the only one that I had at that 11 time. I had already taken care of that.</p> <p>12 Q Okay. Did you communicate to the employees 13 at the Gallatin plants that if complaints were made, 14 you would know about them?</p> <p>15 A No, I did not tell them that.</p> <p>16 Q Did you at any point in the -- from 2014 to 17 2016, discourage employees from making complaints?</p> <p>18 A No.</p> <p>19 Q While working for WestRock or its 20 predecessor, RockTenn, were you disciplined for any 21 sort of policy infraction that involved harassment 22 or a violation of the code of conduct?</p> <p>23 A No. I've not been disciplined for any of 24 that, no.</p> <p>25 Q Have you been disciplined for anything in</p>
<p>1 Q Who was that?</p> <p>2 A The lift driver?</p> <p>3 Q Yes.</p> <p>4 A His name was Tommy Davis. But, now, he was 5 not the one who made the complaint.</p> <p>6 Q Who made the complaint?</p> <p>7 A I don't know who made the complaint. It was 8 an anonymous complaint. Well, I say it was 9 anonymous. As far as I know, it was anonymous. I 10 was never told who made the complaint.</p> <p>11 Q Would Ms. Henley or anyone else in HR ever 12 provide you with a copy of the global hotline 13 complaint --</p> <p>14 A No.</p> <p>15 Q -- as it came to them?</p> <p>16 A No.</p> <p>17 Q Was it typically just a verbal communication 18 that a complaint was made?</p> <p>19 A Yes.</p> <p>20 Q Did you discuss that with the employees, 21 that you got -- you were notified of complaints that 22 were made at the Gallatin plants?</p> <p>23 A I would look into the -- into the complaint, 24 yes.</p> <p>25 Q How many were made in the 2015/2016 time</p>	<p>Page 15</p> <p>1 the past ten years?</p> <p>2 A No.</p> <p>3 Q Were you made aware that in 2013 a complaint 4 of sexual harassment was made against you through 5 the global hotline?</p> <p>6 A No.</p> <p>7 Q Did anyone discuss that with you?</p> <p>8 A No.</p> <p>9 Q So no one asked you about any allegations of 10 sexual harassment in 2013?</p> <p>11 A No. Not that I remember, no.</p> <p>12 Q Well, you'd probably recall something like 13 that, wouldn't you?</p> <p>14 A I would certainly think so, but no.</p> <p>15 Q To your knowledge, had any employee or 16 subcontractor of WestRock made a complaint of sexual 17 harassment against you?</p> <p>18 A No.</p> <p>19 Q What was your understanding of the reasons 20 why you were terminated?</p> <p>21 A Well, I was never given any reasons.</p> <p>22 Q Tell me what you were told.</p> <p>23 A The day that -- the day that I was 24 terminated, I asked for a specific reason for the 25 termination, and I was told that there had been a</p>

<p>1 complaint, there had been an investigation, I was 2 asked some questions, and that there was no point 3 rehashing it.</p> <p>4 Q Who told you that? 5 A That was Jeb Bell.</p> <p>6 Q Who else was there on the day you were 7 terminated? 8 A Tom Pedine, Melinda McGraw, and Terri 9 Henley.</p> <p>10 Q Did they give you the opportunity to resign 11 in lieu of termination? 12 A They did.</p> <p>13 Q And who said that you could resign instead 14 of being terminated? 15 A Jeb Bell.</p> <p>16 Q What did you say to that? 17 A My -- well, actually, I had a question 18 regarding that. And my question was simply, what 19 was going to be best for me from a financial 20 standpoint. And the -- there was a lot of confusion 21 about that.</p> <p>22 Without going into, you know, a long drawn 23 out something for you, I really didn't get -- didn't 24 get a satisfactory answer about things such as the 25 bonus that I -- that would have come at the end of</p>	<p>Page 18</p> <p>1 from there to the sheet plant, Melinda had made a 2 call by the time we got to the sheet plant, and when 3 we got there, she told me that it didn't matter if I 4 resigned or was terminated, that I wasn't entitled 5 to anything. And at that point, I told Melinda, 6 then you just terminated me, then.</p> <p>7 Q Before y'all got to the sheet plant and you 8 cleaned out your desk and she had that phone 9 conversation, had you been given a separation 10 notice? 11 A No. 12 Q That day were you given a separation notice? 13 A No. 14 Q Have you ever been provided a separation 15 notice? 16 A I have. It was the following day. 17 Q Who did you receive that from? 18 A Received that from Melinda McGraw. 19 Q In person or by mail? 20 A In person. 21 Q Where did you receive -- where were y'all? 22 A We were back at the conference room at 23 fulfillment. 24 Q So, was this on August 31st? 25 A Thirty-first.</p>
<p>Page 19</p> <p>1 September, these type things. So, as I asked -- and 2 I don't want to bore you with a lot of detail, but 3 it was evident that I couldn't get answers. So I 4 wasn't looking to resign. Told them they could 5 terminate me. Now, that took place with Melinda 6 McGraw a little bit later.</p> <p>7 Q Not during the meeting with -- 8 (Overlapping speech.)</p> <p>9 A Not during that meeting, no.</p> <p>10 Q Okay. Was that a phone call with Melinda 11 McGraw? 12 A No. 13 Q Was it after others had left or how did that 14 play out? 15 A It -- the way the thing happened was that we 16 were in the conference room at fulfillment. We had 17 that discussion. I asked about the financial impact 18 to me. And initially, Melinda was the one answering 19 the question. She thought that I would get a 20 prorated bonus and that kind of thing if I resigned. 21 And if I was terminated, I would get nothing. So 22 I'm like -- at that point, I felt it was probably in 23 my best interest if I was going to resign.</p> <p>24 Cleaned out my office there. And my office 25 was simply a desk in the back. But when we went</p>	<p>Page 20</p> <p>1 Q The day after you were -- they notified you 2 of your termination? 3 A Yes. 4 Q Did she ask you to come out there to meet 5 her to get the separation notice? 6 A I believe that was -- I can't recall if she 7 asked me to come out for that or not, to be 8 perfectly honest with you. 9 Q Why would you have been out there the day 10 after you were terminated? 11 A There was some confusion regarding my cell 12 phone. The day -- on the 30th when I was 13 terminated, Melinda had taken my cell phone. She 14 had -- she deactivated the number and then erased 15 everything in the -- in the phone. She should not 16 have done that, as I found out from corporate, 17 because I was asking if I could keep my phone number 18 because it was mine very early on. 19 And actually, by the time we went through 20 the whole situation and I had conversations with 21 folks at our corporate office, the way it should 22 have been handled was that my phone should have only 23 had the password to the e-mail changed, because I 24 owned the phone. I had bought it myself. 25 So when I called Melinda to talk about that</p>

Page 22 1 and to try to get my phone number reactivated, at 2 that point I went back to the -- or I told her I 3 wanted to get my phone back and I told her what 4 corporate had said. And when I told her that, she 5 asked Mr. Bell if I could -- well, I told her that 6 if she wanted to bring me the phone, you know, I'd 7 wait at the Verizon store for her to bring it. 8 Now, Mr. Bell was there. She asked Mr. Bell 9 if I could come back and get the phone, and he 10 approved it. Or she said that he did. I didn't 11 talk to him directly. So I went back to get the 12 phone, and when I went back and got my phone is when 13 I completed the separation slip. 14 Q Okay. Who at corporate did you talk to? 15 A I wish I could tell you her last name. Her 16 first name was Joann. 17 Q And that was someone in Atlanta or -- 18 A Norcross. 19 Q Norcross. Did you see or talk to Jeb Bell 20 the next day, on the 31st, when you -- 21 A No. 22 Q Okay. So when you got your phone back, had 23 everything been wiped off of it? 24 A Oh, yeah. 25 Q Including text messages?	Page 24 1 BY MS. COLLINS: 2 Q All right. Have you seen this document 3 before? 4 A Excuse me. I have. 5 Q Was this the separation notice that 6 Ms. McGraw gave you? 7 A It is. 8 Q And it looks like there's a mark-out 9 section, where it was marked out under the explain 10 the circumstances of this separation. 11 A You're going to have to tell me where we 12 are. 13 Q In that box. That box where there's also 14 handwriting. 15 A Oh, here (indicating)? 16 Q Yes. 17 A Okay. 18 Q Was this the -- that part that was marked 19 out, did that initially say resignation? 20 A I don't know. 21 Q Okay. Did she make any changes to this 22 document in front of you? 23 A I didn't see her make changes to it, but 24 she -- we were positioned like here and there 25 (indicating). I don't know if she did or not. She
Page 23 1 A Text messages, the pictures from my 2 granddaughter's graduations. It was clean. All 3 my -- all the contact information, everything was 4 gone from it. 5 Q Did you use your cell phone to text with 6 employees of WestRock while you were there? 7 A I was not big on texting, no. 8 Q Prior to you being terminated, had you 9 engaged in any e-mail communication about the 10 investigation that led up to your termination or 11 your termination? 12 A No, not that I remember. 13 Q Did you e-mail much? 14 A I used my phone for a lot of e-mails, yeah. 15 Q And that was -- but those e-mails were 16 through a WestRock account, I assume? 17 A Yes. 18 Q Okay. I'm going to show you an exhibit real 19 quick. If you could turn to a document in there 20 that's been tabbed as Exhibit Number 24. 21 (Presented Exhibit No. 24.) 22 MS. COLLINS: I'm sorry, Doug, I didn't 23 bring extra copies. 24 THE WITNESS: Okay. 25	Page 25 1 did not that I saw. 2 Q Okay. And up at the top, for the reason for 3 separation, it has the box for discharge and quit 4 marked, but then it has the box for discharged 5 circled. Do you know why that was? Or was it for 6 the reasons that you just explained? 7 A I would have to tell you -- if I'm going to 8 make an assumption, I'm assuming it's because she 9 changed it after the reasons that I just talked 10 about. 11 Q Okay. But to be clear, you did not receive 12 a copy of this document on the 30th? 13 A No, I did not. Matter of -- I'm going to go 14 a step farther. It just made me think, because what 15 she had told me on the 31st was that she was going 16 to mail it to me, but that since I came back to get 17 the phone, she'd go ahead and give it to me while I 18 was there. 19 Q And did you have any discussions with her 20 about the inconsistencies in having discharged 21 marked and quit marked? 22 A No. 23 Q After the 31st, have you been back out to 24 the plant? 25 A I have not.

	Page 26		Page 28
1	Q	The Gallatin plants, they have both men and	
2		women working out there, correct?	
3	A	Yes.	
4	Q	Okay. Are you familiar with Michael	
5		Kulakowski?	
6	A	I am.	
7	Q	And you worked with him?	
8	A	Yes.	
9	Q	At any point in time when you worked with	
10		him, did you backhand him in his groin area?	
11	A	No.	
12	Q	Did you hit him in his groin area in any	
13		way?	
14	A	You know, define groin area for me. If	
15		you're -- if you're asking me did I ever hit him in	
16		his private parts, the answer is no.	
17	Q	Well, if -- is there a different part of the	
18		groin area where you did hit him?	
19	A	No, I never hit him in the groin, no.	
20	Q	Did you make any physical contact with	
21		Michael Kulakowski anywhere in his groin area?	
22	A	No.	
23	Q	His mid section?	
24	A	No.	
25	Q	Did you ever knock -- slap his hat off his	
		Page 27	
1		head?	
2	A	No.	
3	Q	Did you ever kick him in the workplace?	
4	A	No.	
5	Q	Did you ever hit him with a broom?	
6	A	No.	
7	Q	Did you do that to any other employees,	
8		either -- did you ever hit any other employees in	
9		the groin area?	
10	A	No. Well, what -- what we did -- and I'll	
11		give you a bit of an explanation. But if there	
12		was -- we would make moves that solicited a response	
13		that was similar to goosing somebody in the ribs	
14		maybe. But you never -- you never actually made	
15		contact.	
16	Q	What do you mean, that solicited -- you	
17		would make a move that solicited a response?	
18	A	Oh, my goodness. You know, maybe you'd	
19		(indicating), you'd do that (indicating), like	
20		you're -- you know, like you're saying -- I don't	
21		know how to explain that.	
22	Q	So you would take your hand and act like you	
23		were backhanding someone?	
24	A	Yes.	
25	Q	But you wouldn't actually make contact --	
		Page 29	
1	Q	Mike Hall. Is that name correct? Keith	
2		Hall. Sorry.	
3	A	No.	
4	Q	What about Larry Eden?	
5	A	No. No. I'm sorry. I'm sorry, I have a	
6		little hearing loss that's why I keep leaning over.	
7	Q	No, you didn't do that to Larry Eden?	
8	A	No. As far as actually making contact, no.	
9		And that's what I think you were asking.	
10	Q	Do you recall an incident where you	
11		backhanded Keith Hall in the groin and he got angry	
12		and pushed you into a copier?	
13	A	No, I don't.	
14	Q	Do you recall him telling you to never do	
15		that again?	
16	A	No, I do not.	
17	Q	Now, if other employees say that they saw	
18		you hit employees out at the Gallatin plants in the	
19		groin, do you have any basis to refute that?	
20		MS. DOHNER SMITH: Objection.	
21		THE WITNESS: I did not hit these folks	
22		in the groin.	
23		BY MS. COLLINS:	
24	Q	You didn't backhand them or flick your hand	
25		at them and hit them with your fingertips?	

	Page 30		Page 32
1 A	At -- no. At them, yes, like I described,	1 A	No.
2	yes, we'd do that. But no, I -- I did not hit them.	2 Q	What about do that backhand, where you --
3	The incident that I told you about with Jerry	3 A	Yes.
4	Harville was an accident that happened, as I said,	4 Q	You would do that with Mike Eden as well?
5	as he stepped forward. I don't remember ever making	5 A	Would not hit him, no.
6	any contact with anybody else.	6 Q	You would not -- you maintain that you
7 Q	Did you ever knock Michael Kulakowski's hat	7	didn't make contact when you did that?
8	off his head or slap his hat off his head?	8 A	I didn't -- I did not make contact, no.
9 A	Nope, not that I remember, no.	9 Q	So that thing that you describe as a
10 Q	Have you ever kneed Michael Kulakowski in	10	backhanded motion where you did not make contact,
11	the groin?	11	you did that to Mike Eden, right?
12 A	I have gone through the motion, just as with	12 A	Yes.
13	the backhand flick (indicating), gone through the	13 Q	You did that to Michael Kulakowski?
14	motions, but never hit him.	14 A	Yes.
15 Q	You've gone through the motions of kneeing	15 Q	You did that to Mike White?
16	him in the groin?	16 A	I don't remember ever -- Michael White. I
17 A	Yes.	17	don't remember ever doing it with Michael, no.
18 Q	Why?	18 Q	You did that to Jerry Harville?
19 A	We were -- in the working environment that	19 A	Yes.
20	we had, a lot of us had worked together for a number	20 Q	Did you do that to Keith Hall?
21	of years, and we were friends. And it was just a	21 A	No.
22	matter of simple camaraderie that we cut up with --	22 Q	What about Larry Eden?
23	you know, with each other within our group of	23 A	Yes.
24	friends. Michael Kulakowski was a part of that	24 Q	What about Donnie Taylor?
25	group of friends.	25 A	No, I don't remember ever doing it with
	Page 31		Page 33
1 Q	Do you remember Michael Kulakowski telling	1	Donnie, no.
2	you to stop that?	2 Q	What about Terry Stafford?
3 A	No.	3 A	Yes.
4 Q	Would you consider that horseplay in the	4 Q	What about J.R. Sanders?
5	workplace?	5 A	Yes.
6 A	No.	6 Q	Did you ever hit Donnie Taylor in the arm or
7 Q	What would you consider it?	7	leg?
8 A	My definition of horseplay is creating a	8 A	Not that I recall.
9	situation or actions that cause somebody to be hurt	9 Q	Do you recall Donnie Taylor hitting you back
10	or the potential for an unsafe condition.	10	when you hit him in the groin?
11 Q	And you're saying you did not engage in that	11 A	I never hit Donnie in the groin, and I don't
12	in the workplace?	12	recall Donnie ever hitting me.
13 A	No, I did not.	13 Q	Did you ever smack Michael Kulakowski in the
14 Q	Did you do that with women that worked out	14	back of his head?
15	there, pretend like you were going to knee them or	15 A	You'd have to define smack, I guess, for me.
16	slap them in the groin?	16 Q	Well, did you --
17 A	Oh, no. No.	17 A	To me -- I'm sorry.
18 Q	Would you say there's a culture of horseplay	18 Q	Did you come into physical contact with the
19	out at the Gallatin plants when you were general	19	back of his head, either a smack, a hit, knocking
20	manager?	20	his hat off, anything like that?
21	MS. DOHNER SMITH: Objection.	21 A	Never knocked his hat off, never hit him,
22	THE WITNESS: No.	22	what I call a hit. Flick on the back of the cap,
23	BY MS. COLLINS:	23	yes. And no, I don't recall ever knocking his cap
24 Q	Did you ever kick Mike Eden in the	24	off.
25	workplace?	25 Q	Do you recall ever hitting Michael

<p style="text-align: right;">Page 34</p> <p>1 Kulakowski so hard that he fell to the ground and 2 couldn't breathe? 3 A Oh, my goodness, no. 4 Q And Michael Kulakowski did not hit you back, 5 right? 6 A Yes, he did. This was -- what I'm 7 describing is what we did with each other. 8 Q Okay. Did he hit you back physically, make 9 contact with you? Michael Kulakowski, did he ever 10 hit you back, make physical contact with you? 11 A Not in the groin area, if that's what you're 12 asking. 13 Q Anywhere on your body? 14 A Oh, slap me on the shoulder or, you know, 15 that type thing, yes. 16 Q Did you write him up for that? 17 A No. 18 Q Did you document it in any way? 19 A No. 20 Q Did you ever cuss out Michael Kulakowski in 21 the workplace? 22 A No. 23 Q Did you ever call him a stupid Polak? 24 A I don't remember ever calling him that, no. 25 I remember him calling himself that, but I don't</p>	<p style="text-align: right;">Page 36</p> <p>1 job, tell him you were going to fire him? 2 A No. 3 Q Who gave Michael Kulakowski job evaluations? 4 A That -- Larry Eden gave him his -- yeah, it 5 was Larry's job to do the job reviews on an annual 6 basis for the hourly employees. 7 Q Did you have to sign off on those? 8 A I did. 9 Q Did you see Michael Kulakowski's 10 evaluations? 11 A I don't recall seeing it, but I'm pretty -- 12 I would assume it was in there. 13 Q Did you sign off on those in addition to 14 Mr. Eden? 15 A I did Larry's reviews, yes. 16 Q But did you sign off on the other employees' 17 evaluations? 18 A You're talking about the hourly employees? 19 Q Yes. 20 A Yes. 21 Q And those evaluations, were they maintained 22 in their files? 23 A Yes. 24 Q Out at the -- 25 A They were -- should be at the sheet plant.</p>
<p style="text-align: right;">Page 35</p> <p>1 remember ever calling him that. 2 Q What about a stupid motherfucker? 3 A Ooh. I don't remember doing that, no. 4 Q Is that a term that you use? 5 A Very selectively, and in -- only with close 6 friends. 7 Q Did you use it in the workplace? 8 A No, no. 9 Q Did you ever call Michael Kulakowski a 10 pussy? 11 A I do not remember ever doing that, no. 12 Q Did you ever tell Michael Kulakowski that he 13 could suck your dick? 14 A Oh, Lord, no. 15 Q Did you ever shake your groin area or your 16 zipper at him and tell him he could suck your dick 17 or anything like that? 18 A No. 19 Q Do you recall ever doing that physical 20 motion towards any employee at WestRock? 21 A No. 22 Q And you never -- did you ever kick Michael 23 Kulakowski in his nuts or his balls? 24 A No. 25 Q Did you ever threaten Michael Kulakowski's</p>	<p style="text-align: right;">Page 37</p> <p>1 Q Did Helen maintain those? 2 A She did. 3 Q Did Mr. Pedine do your evaluations? 4 A He did one. 5 Q Who did your evaluation in 2015? 6 A That would have been Pedine. 7 Q Did you get one in 2016? 8 A No. I was -- I left before that. 9 Q Did you get a good evaluation in 2015? 10 A I did. 11 Q Have you ever hired employees out there with 12 a criminal record? 13 A Yes. 14 Q When employees are hired out at WestRock, 15 would the company typically conduct background 16 checks on them? 17 A Yes. 18 Q Did you Michael -- know Michael Kulakowski 19 had a criminal record? 20 A I did. 21 Q And that wasn't a problem with his 22 employment, correct? 23 A No. 24 Q And he wasn't the only one that worked out 25 there that had a criminal record, correct?</p>

<p>1 A He's the only one that comes to mind. I 2 can't tell you for sure. I don't know. 3 Q Okay. You don't have a criminal record, do 4 you? 5 A No. 6 Q Ever been arrested? 7 A No. 8 Q Do you find -- you worked with Keith Hall, 9 right? 10 A Yes. 11 Q Do you find him to be a credible person? 12 A No. 13 Q Why not? 14 A Keith -- Keith has a habit of unfortunately 15 kind of putting himself first. 16 Q So you think that makes him untruthful at 17 times? 18 A Well, taking credit, yeah, for things that 19 he was not a part of, yeah. 20 Q What about Larry Eden? Did you find him to 21 be a credible person? 22 A I found Larry to be, yes. 23 Q What about Tracy Duncan? Do you find her to 24 be a credible person? 25 A I've never had a reason to think that she's</p>	<p style="text-align: right;">Page 38</p> <p>1 A I am. 2 Q What? 3 A One example that comes to mind that I would 4 give you would be the -- we had a situation -- and I 5 think you -- we touched on it a little earlier with 6 Terri Henley, where there's some question about a 7 complaint. 8 Actually, where we got to with that was that 9 Jerry had -- the complaint was from a forklift 10 driver. The forklift driver was being told to do 11 something that was -- he was not supposed to do, 12 which was to load a damaged trailer, and the damage 13 was identified during the trailer inspection. He 14 brought it to Jerry's attention. Jerry had him go 15 ahead and load that trailer and told him to load 16 around the hole and ship it. 17 When they did that, the -- actually, the 18 forklift driver spoke with me about it. And when he 19 told me what had happened, the truck was already 20 gone. Went to the customer. It ended up being 21 returned and credits being issued. 22 And that was enough that I told Larry Eden, 23 who was Jerry's supervisor, that we couldn't have 24 that kind of thing going on out of Jerry, and that 25 we were going to have to pull Jerry out of his role</p>
<p style="text-align: right;">Page 39</p> <p>1 not. 2 Q What about Mike White, or Michael White? 3 Did you find him to be credible? 4 A You know, I can't answer that about Michael. 5 I just -- I don't know that I've ever known him to 6 be in a situation to try to determine one way or the 7 other. 8 Q Okay. But you haven't caught him telling 9 you an untruth that you -- or telling you something 10 that you later found out to be untrue, did you? 11 A No. No, not in Michael's case, no. 12 Q What about Jerry Harville? Do you find him 13 to be a credible person? 14 A No. 15 Q Why not? 16 A Jerry is -- you know, even though I like 17 Jerry, he tends to not tell things truthfully. He's 18 inaccurate with -- knowingly inaccurate with some of 19 the things he's done and said. 20 Q Did you ever write him up for anything like 21 that? 22 A The -- I -- I talked with Larry Eden about 23 it. I didn't do a write-up on him myself, no. 24 Q Specifically, what are you -- are you 25 referring to a specific situation?</p>	<p style="text-align: right;">Page 41</p> <p>1 as shipping manager for the sheet plant and find 2 something else to do with him, which we did. I 3 think Larry put him -- I think Larry put him back on 4 the die cutter, but you'd have to verify that with 5 Larry. But I think that's what he did with him. 6 Q Who was the forklift driver again? 7 A That was Tommy Davis. 8 Q What about Donnie Taylor? Do you find him 9 to be credible? 10 A I've never caught Donnie telling me a 11 falsehood that I know of. No, I can't think -- 12 Donnie tends to -- Donnie finds a lot to talk about, 13 but I've never known him to just fib to me. 14 Q What do you recall about the investigation 15 that led to your termination? 16 A I'm not sure what you're asking me. 17 Q Well, what do you know about anything that 18 led up to your termination? 19 A The only thing that really I know about it 20 was just the questions that I was asked on the 20 -- 21 I believe it was the 26th of August. 22 Q And who asked you those questions? 23 A This was in that -- with Melinda McGraw. 24 Melinda was the one that basically headed up the 25 question and answer session.</p>

	Page 42		Page 44
1	Q	Was Terri Henley there?	
2	A	She was.	1 notified me that they wanted to get together, but I
3	Q	Was either -- were either of them taking	2 don't remember the exact time frame.
4	notes?		3 Q How were you notified?
5	A	I know Melinda was. I can't tell you about	4 A I think it may have been an e-mail from
6	Terri.		5 Melinda. And I hate to say I think, but that's kind
7	Q	Was Melinda typing notes or handwriting	6 of -- that's what I remember. That's the way -- and
8	notes?		7 it wasn't -- gosh, I just don't remember those
9	A	I just don't -- I don't remember.	8 details. I'm sorry.
10	Q	Where was the interview?	9 Q Okay. Prior to receiving an e-mail from
11	A	It was at the fulfillment center conference	10 Melinda, did you know that she and Terry had been
12	room.		11 coming out and meeting with employees?
13	Q	What about Tom Pedine? Was --	12 A No.
14	A	Tom was there, yes.	13 Q Do you recall having a phone conversation
15	Q	Anyone else besides Melinda, Terri, and Tom?	14 with Keith Hall about the investigation?
16	A	No.	15 A No.
17	Q	How long did the meeting last?	16 Q Do you recall calling Keith Hall and telling
18	A	Hour and a half. I really don't remember	17 him that you had a list of who all had talked with
19	just how long it was. I wasn't paying -- I know		18 management or HR?
20	that we had a conference call that was with GE at		19 A No.
21	3:00, Tom and I did. So it was over well before		20 Q Do you recall calling Keith Hall and asking
22	that. Probably in the 2:30 neighborhood it was		21 him what was going on?
23	over, and they got there may be a little bit before		22 A No.
24	lunch.		23 Q Or how long HR had been coming out to the
25	Q	Did y'all --	24 plant?
			25 A No.
	Page 43		Page 45
1	A	But I'm just going on memory. Don't	1 Q Do you recall if you had ever told employees
2	document those times.		2 that hotline complaints come to you?
3	Q	Did the interview last through lunch or did	3 A No.
4	y'all start the interview after lunch?		4 Q Do you know who mailed the initial complaint
5	A	You know, it seems to me that -- and here	5 against you in August of 2016?
6	I'm trying to rely on my memory, but it seems to me		6 A No.
7	that we sent out for sandwiches. I think we started		7 Q And you were never made aware of a complaint
8	right at lunchtime and sent for sandwiches, and we		8 against you in 2013?
9	got started.		9 A No.
10	Q	Did you take any notes during the meeting?	10 Q And I understand you have a car lot, or
11	A	No.	11 you're part owner in a car lot, or you were?
12	Q	Did you fill out any documents?	12 A Used to have one, yeah.
13	A	No.	13 Q Okay. When did you get rid of that?
14	Q	Was the meeting recorded?	14 A My -- my partner and I separated -- it was
15	A	No. Well, let me say, as far as I know it	15 gone -- it's been over a year. No, it's been
16	wasn't recorded, unless somebody had a device on		16 two years now, I guess.
17	that I wasn't aware of.		17 Q I understand you sold a car to Terry
18	Q	Okay. At the time that you met with Melinda	18 Stafford.
19	McGraw, Terri Henley, and Tom Pedine, did you know		19 A I did.
20	that you were under investigation?		20 Q And he's still making payments on that?
21	A	I did not know it when the meeting was	21 A He is.
22	arranged.		22 Q Had you sold any cars to any other WestRock
23	Q	When was the meeting arranged?	23 employees?
24	A	I really don't remember when that was. It	24 A No.
25	was within a couple of days, I think, that they		25 Q Have you seen Michael Kulakowski since your

1 termination? 2 A I did see him -- I was pulling into a gas 3 station, and I saw him there. 4 Q Did you talk with him? 5 A No. It was across the parking lot. 6 Q How big was the parking lot? 7 A I think that -- I think there are about six 8 sets of gas pumps across the -- strung out across 9 the parking lot. He was on the far side, and I 10 pulled in the lower side. As far as I know, he 11 never even saw me. 12 Q Do you carry a handgun? 13 A I do not. 14 Q What about a shotgun or a rifle? 15 A I do not. 16 Q Do you own any firearms, handgun, shotgun? 17 A I own firearms, yes, but they're locked in a 18 cabinet at home. 19 Q You don't keep them with you in the car? 20 A No. 21 Q Since your termination, have you talked with 22 any WestRock employees? 23 A Oh, yes. 24 Q Who? 25 A Ooh, that's going to be a string of folks.	Page 46 1 talk with him about? 2 A Pretty much same type stuff. You know, 3 these folks -- I had an open door policy when I was 4 at the plant. These folks come talk to me about 5 personal issues, about work issues. You know, it's 6 just not -- nothing out of the ordinary. 7 Q Susan Hart, what did you talk with her 8 about? 9 A Same type stuff. 10 Q How many times have you talked with her 11 since you left? 12 A Oh, I've talked to Susan a number of times. 13 Q What about Terry? A number of -- 14 (Overlapping speech.) 15 A A number of times. 16 Q Would you say it's on a regular basis? 17 A It's sporadic. I might talk to him two or 18 three times in one week, may not talk to him again 19 for two or three weeks. 20 Q Did he tell you he was being deposed in this 21 case? 22 A I knew that he was being deposed. I don't 23 know that he was the one that told me. 24 Q Did y'all talk about his deposition? 25 A No.
Page 47 1 I've had folks call me from other plants. Let's 2 see. Jim Hull, Deanie Brantley. I talked with 3 Roger Smith, Ed Ammaday. I'll forget some before 4 I'm done with this. Terry Stafford, Jason Brazzell, 5 Austin Matthews, Susan Hart, Georgie Anthony. 6 That's nowhere near everybody. Eric Sullivan, Terry 7 Taylor, Jeff Scruggs. And I know that's not 8 everybody, but that's a sampling. 9 Q Which of those people besides Terry Stafford 10 were at the Gallatin facility? 11 A Let's see. Jim Hull was not. I think the 12 first three that I gave you, Jim, Deanie, and Roger 13 Smith are not. 14 Q Okay. What about Ed? 15 A Ed works out of the Gallatin facility. 16 Q What's his job? 17 A Ed is -- I'm not sure what he is now. He 18 was the business unit GM. He was based in 19 Murfreesboro. They moved him to Gallatin. Tom did, 20 Pedine. 21 Q What did you talk with Ed about? 22 A Nothing in particular, just, you know, kids, 23 how you doing, how you getting along, those types 24 things. 25 Q What about Terry Stafford? What did you	Page 49 1 Have you talked about his deposition at any 2 point in time? 3 A About con -- no. I haven't talked to 4 anybody about the contents of their depositions. 5 Q What about Jason? Is he -- was he at the 6 Gallatin plant? 7 A Yes. 8 Q What was his job? 9 A Jason worked on a machine in the plant. 10 Q How many times have you talked with Jason? 11 A Not many. Two or three times. 12 Q What about Austin? 13 A Austin actually married my granddaughter a 14 few weeks ago. 15 Q Is he at the Gallatin plant? 16 A He is. 17 Q What about Georgie? 18 A She's at the Gallatin plant. I talked to 19 Georgie only a couple of times. 20 Q What did y'all talk about? 21 A Kids, you know, her youngest one deer 22 hunting. Just personal friendship type stuff. 23 Q Were most of these conversations on the 24 phone or were they in person? 25 A Been some of both. Some of these folks come

	Page 50		Page 52
1	to my house to visit and we talk in person,	1	A They did.
2	sometimes they call.	2	Q -- to work out there?
3	Q What about Eric? Is he from the Gallatin	3	A They did.
4	plant?	4	Q Which temp agency?
5	A He is.	5	A White Staffing.
6	Q How many times have you talked with him	6	Q Did you have a -- out at the Gallatin
7	since you left?	7	plants, was there a White Staffing person that
8	A Several.	8	worked there on a regular basis?
9	Q Same sort of stuff, just personal?	9	A On-site supervisor, yes.
10	A Yeah.	10	Q Who was that?
11	Q What about Terry Taylor?	11	A Heather -- I'm sorry. I don't recall
12	A I talked to a couple of times.	12	Heather's last name off the top of my head.
13	Q Is he at the Gallatin plant?	13	Q Was she still there when you --
14	A He is.	14	A When I left, yes. I know they changed that
15	Q What about Jeff?	15	person a couple of times, but as far as I know
16	A Jeff Scruggs?	16	Heather -- well, Heather was still there when I
17	Q Uh-huh.	17	left, yes.
18	A Only talked to Jeff a couple of times.	18	Q Were you aware of employees working off the
19	Q And he was at the Gallatin plant?	19	clock?
20	A Yes.	20	A I'm sorry? Say it again.
21	Q Same sort of stuff, just personal?	21	Q Were you aware of employees working off the
22	A Jeff had actually had a car wreck.	22	clock?
23	Q Okay.	23	A At the plant?
24	A And yeah, I went to see how he was.	24	Q Yes.
25	Q All right. Anyone else you can think of?	25	A No.
	Page 51		Page 53
1	A Not that -- not off the top of my head, no.	1	Q Did you ever ask employees to come in and
2	But I would tell you that I would not say that	2	get some work done off the clock?
3	that's everybody.	3	A Did I ask them what?
4	Q Okay. Did you have any relatives that	4	Q Ask them to come in and get work done off
5	worked out at the plant other than your -- I guess	5	the clock?
6	your granddaughter's fiancé?	6	A No.
7	A Well, he wasn't a relative when he started.	7	Q Did you discourage employees from taking
8	Q Okay.	8	vacation days?
9	A My -- I had a nephew years ago. When my son	9	A I'm sorry. I'm --
10	was in high school, he worked one summer when he was	10	Q Yeah. Did you discourage employees from
11	out of school. That's really all I remember.	11	taking vacation days?
12	Q Did you have a personal relationship with	12	A No. Absolutely not.
13	Susan Hart when you were general manager at	13	Q Do you recall telling any employee out there
14	WestRock?	14	that you could leave now if you don't like how I run
15	A What do you mean?	15	things, you have to do things my way?
16	Q An intimate relationship.	16	A No, I've never told anybody that.
17	A No.	17	Q Did you ever call Michael Kulakowski a
18	Q Did you ever kiss her out at the plant?	18	stupid son of a bitch?
19	A No.	19	A No.
20	Q Did you ever hire workers from your son's	20	Q If multiple employees stated that you
21	construction company to perform work out at the	21	physically slapped them in the groin area, do you
22	plant?	22	have a basis to dispute that?
23	A I hired some guys that worked for my son,	23	MS. DOHNER SMITH: Objection.
24	yes.	24	THE WITNESS: Yeah. It's like I said
25	Q Did they go through the temp agency --	25	earlier, there were a group of us who had worked

<p>1 together for years, and we were -- we were all 2 friends. We had -- in the course of our working 3 relationship, we made gestures toward each other 4 like we were going to hit each other.</p> <p>5 It was -- this was just our -- I don't 6 know what you call it. It was just our camaraderie. 7 There was -- I don't know what to tell you other 8 than there was -- if anybody hit anybody, it would 9 have been totally by accident, because I don't 10 believe there was any intentional harm meant toward 11 anybody.</p> <p>12 BY MS. COLLINS:</p> <p>13 Q Do you think that behavior was in 14 conformance with WestRock's policies?</p> <p>15 A I think it was.</p> <p>16 Q Do you recall ever telling an employee that 17 the horseplay stops now because another employee was 18 terminated for horseplay at another plant?</p> <p>19 A I do, uh-huh.</p> <p>20 Q Tell me about that.</p> <p>21 A I know there was a -- I read about a 22 situation with our Murfreesboro facility where an 23 employee was terminated after -- well, I shouldn't 24 say after. But he was terminated, and I think there 25 was a law -- well, I know there was a lawsuit that</p>	<p>Page 54</p> <p>1 or not. Those are the ones that I remember.</p> <p>2 Q What about Donnie Taylor? Was he in your 3 group?</p> <p>4 A I don't remember talking to -- directly to 5 Donnie about it.</p> <p>6 Q Was there anyone else in your group other 7 than those people that you just named?</p> <p>8 A I don't think so.</p> <p>9 Q When you talk about --</p> <p>10 A Well, I say I don't think so. Let me -- 11 there were -- you know, I'd have to sit here and 12 research this thing. Mikey Eden was -- you know, 13 Mikey wasn't adverse to coming up and slapping me on 14 the shoulder, you know. J.H. Herndon, and I didn't 15 think about Jay, because Jay had retired. I'm sure 16 there are others.</p> <p>17 Q Okay. And when you talk about folks in your 18 group, those are people that y'all would engage in 19 that sort of --</p> <p>20 A Camaraderie, yes.</p> <p>21 Q Well, what you called camaraderie was -- 22 where you talked had about earlier, where you said 23 that you pretended to slap someone in their groin.</p> <p>24 A Uh-huh.</p> <p>25 Q But you could only remember actually making</p>
<p>Page 55</p> <p>1 was connected to it in some way. And it had to do 2 with some kind of physical harassment of some -- 3 some sort.</p> <p>4 And the -- in telling the folks at the 5 plant -- both plants, actually, that we had to stop 6 our -- the things that we've been talking about 7 here, because somebody that didn't know our group 8 might misinterpret what was going on, and that we 9 didn't want anybody to think there was anything that 10 was improper going on.</p> <p>11 Q When was that?</p> <p>12 A Gosh, that was sometime before the 13 termination.</p> <p>14 Q Was it --</p> <p>15 A And when I say sometime, I mean, months 16 before. I don't know how many months, but it wasn't 17 like, you know, the week before or anything like 18 that.</p> <p>19 Q Okay. Who were you talking to about that?</p> <p>20 A I talked to pretty much all of my managers, 21 and all the folks that were in our group that I was 22 talking about, like Jerry Harville, Kulakowski, 23 Larry Eden, Terry Stafford, J.R., Michael White.</p> <p>24 Q Anyone else?</p> <p>25 A I can't tell you if there was anybody else</p>	<p>Page 55</p> <p>1 physical contact with one person on one occasion; is 2 that correct?</p> <p>3 A That's the only one I remember.</p> <p>4 Q And you don't recall any employee ever 5 telling you to stop doing that?</p> <p>6 A No, no.</p> <p>7 Q Do you think allowing horseplay like that in 8 the work environment is consistent with WestRock's 9 policies?</p> <p>10 A I still don't consider what we were doing to 11 be horseplay, as I understand horseplay.</p> <p>12 Q Were you aware that WestRock had a policy 13 prohibiting assault in the workplace?</p> <p>14 A Yes.</p> <p>15 Q And you didn't consider that behavior 16 assault?</p> <p>17 A No.</p> <p>18 Q Do you recall an incident in the shipping 19 office where Michael Kulakowski was bent over 20 looking at the computer and you came in and reached 21 your hand between his legs and grabbed his balls?</p> <p>22 A I do not, no.</p> <p>23 Q Is it that you just don't remember it or it 24 did not happen?</p> <p>25 A It didn't happen.</p>

<p>1 Q Did you ever act like you were going to run 2 down Michael Kulakowski in your truck or hit him in 3 your truck? 4 A No. 5 Q Do you recall an incident outside of the 6 shipping office at the picnic table where you came 7 up and hit Michael Kulakowski in his groin area? 8 A I don't, no. 9 Q You don't recall it or it did not happen? 10 A It did not happen. 11 Q Do you recall an incident in the shipping 12 office where you grabbed Michael Kulakowski and 13 threw him across the office desk? 14 A No. 15 Q Did you ever show your genitals or your 16 penis to any employees at WestRock? 17 A No. 18 MS. COLLINS: Okay. If I could just 19 have a break to review my notes. 20 MR. JOHNSTON: Sure. 21 VIDEOGRAPHER: We are going off the 22 record. The time on the monitor is 10:36 a.m. 23 (Recess observed.) 24 VIDEOGRAPHER: We are back on the 25 record. The time on the monitor is 10:44 a.m.</p>	<p>Page 58</p> <p>1 Q And you didn't document anywhere that you 2 had that discussion? 3 A No. 4 Q And by regular -- you said that was a 5 regular sort of thing. Would that be like weekly or 6 daily? 7 A That's really hard for me to say. It was 8 just not uncommon. And folks just didn't think a 9 whole lot about it. 10 MS. COLLINS: Okay. That's all I have. 11 EXAMINATION 12 BY MS. DOHNER SMITH: 13 Q Mr. Whited, Helen Kendall's actual job title 14 was administrative assistant, correct? 15 A Correct. 16 Q And she didn't have any reporting structure 17 up through the HR group, she only reported to 18 management at the Gallatin facility, correct? 19 MS. COLLINS: Objection to form. 20 THE WITNESS: No. 21 BY MS. DOHNER SMITH: 22 Q She didn't have any reporting structure with 23 respect to Joy Jones, did she? 24 A Not directly to Joy, no. 25 Q Well, Terri Henley wasn't in any way her</p>
<p>1 BY MS. COLLINS: 2 Q Mr. Whited, earlier you described what you 3 called camaraderie between you and several other 4 male employees. How often would y'all engage in 5 that sort of behavior, where you pretended to hit 6 someone in the groin area, or what you said -- 7 characterized as pretending to hit someone, how 8 often would y'all do that? Was that a regular -- 9 A That was regular, yeah. 10 Q And that was a regular sort of thing up 11 until your termination? 12 A Up until we had the discussions that I've -- 13 I mentioned earlier that -- for fear that somebody 14 might misinterpret because of that incident out of 15 Murfreesboro. 16 Q And you don't remember when that discussion 17 was? 18 A I'm sorry, I don't. 19 Q Okay. Was it in 2016? 20 A Yes. 21 Q Sometime? 22 A It was, it was. 23 Q You don't remember what time of year in 24 2016? 25 A No, I'm sorry, I don't.</p>	<p>Page 59</p> <p>1 boss, correct? 2 MS. COLLINS: Objection to form. 3 THE WITNESS: Really didn't have her as 4 a boss, I don't think. She worked directly with 5 Terri. 6 BY MS. DOHNER SMITH: 7 Q She would pass information on to Terri? 8 A Okay. 9 Q Correct? 10 A Yes, that's true. 11 Q Okay. There wasn't actually a local HR 12 representative, and so Helen was the one who would 13 pass questions on, pass information on, get forms 14 from HR to give to employees, correct? 15 A Right. 16 MS. COLLINS: Objection to form. 17 BY MS. DOHNER SMITH: 18 Q So she wasn't really technically an HR 19 person, she was the person there kind of being the 20 go-between, between the plant and HR? 21 A Yes. Helen had a number of 22 responsibilities. That was -- that communication 23 piece was part of it. 24 Q Okay. Now, the surveys that took place at 25 the Gallatin facility, those were actually biannual,</p>

	Page 62		Page 64
1	correct? They weren't every year?	1	worked together for a number of years, and that's --
2	A Employee surveys?	2	it was -- well, that's all it was, camaraderie in a
3	Q Uh-huh.	3	group of friends.
4	A I think they missed the prior year. I	4	Q So you didn't mean it to be harmful in any
5	really can't recall.	5	way?
6	Q Okay. So if other people in the corporate	6	A Oh, absolutely not.
7	structure testified that they're done biannually,	7	Q And you didn't mean to hurt anybody
8	you would have no reason to --	8	physically --
9	(Overlapping speech.)	9	A No.
10	A I have no reason to say that's wrong.	10	Q -- in any way?
11	MS. COLLINS: Objection to form.	11	MS. COLLINS: Objection to form.
12	BY MS. DOHNER SMITH:	12	BY MS. DOHNER SMITH:
13	Q In 2015, the company changed from RockTenn	13	Q Was that meant to be sexual in nature at
14	to WestRock, correct?	14	all?
15	A True.	15	A No.
16	Q And when that took place, corporate sent out	16	MS. COLLINS: Objection to form.
17	HR to do code of conduct training at the facility,	17	BY MS. DOHNER SMITH:
18	correct?	18	Q As of August 30th, 2016, you didn't have
19	A For --	19	any intent to resign at that time, did you, as of --
20	Q For employees.	20	A No.
21	A You know, I don't remember that.	21	Q -- August 30th?
22	Q Okay. Could have happened, you just don't	22	The only reason you would have considered a
23	remember it?	23	voluntary resignation is because you were told you
24	A Could be, could be.	24	were being terminated?
25	Q All right. Earlier you were talking about	25	A Yes.
	Page 63		Page 65
1	this group, I think you called it, a group of	1	Q Are you at all related to Helen Kendall in
2	friends.	2	any way?
3	A Uh-huh.	3	A I'm sorry?
4	Q Was Mr. Kulakowski your friend?	4	Q I'm sorry. Are you at all related to Helen
5	A Oh, yes.	5	Kendall in any way?
6	Q Okay. And you talked about the conduct you	6	A No.
7	said was camaraderie, where you would pretend or	7	Q By marriage or anything like that?
8	make a movement like you were going to hit somebody	8	A My first wife's sister was married to
9	but not actually make contact?	9	Helen's brother.
10	A Right.	10	Q Okay. But you're not related in any --
11	Q Would Mr. Kulakowski engage in that as well?	11	A No.
12	A Yes.	12	Q -- way?
13	Q Would he -- who would he engage in that type	13	A No.
14	of behavior with?	14	Q Okay.
15	A Oh, shucks. Pretty much anybody in the	15	A That was the closest I got to a
16	group. Terry Stafford, J.R., myself, Donnie Taylor.	16	relationship.
17	And I'm sorry, I just can't remember all of them off	17	Q I think earlier you were asked if you recall
18	the top of my head, but it was -- it was a number of	18	calling Mr. Kulakowski a stupid son of a bitch, and
19	folks, yeah.	19	you said no. Do you just not recall that or did
20	Q And was that something that was contained	20	that not happen?
21	just within your group of friends?	21	A That didn't happen.
22	A It was -- we didn't -- you didn't do that	22	Q Did Mr. Kulakowski use curse words in the
23	kind of thing with a newcomer. You know, that --	23	workforce?
24	that could -- maybe they would not understand what	24	A Oh, yeah. Yes.
25	was going on. But there were some of us who had	25	Q What type of curse words would he use in the

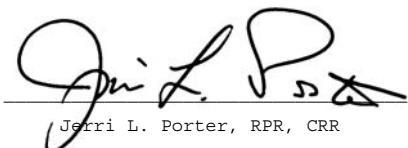
Page 66	Page 68
1 workforce?	1 anybody to slap Mr. Kulakowski in the groin,
2 A You know, he would -- Mr. Kulakowski would	2 correct?
3 use -- you know, he'd drop the F word, you know. I	3 A Correct.
4 really can't pin them down. I just -- the same type	4 Q Got to run through these with each of these.
5 of thing a bunch of redneck guys do.	5 I'm sorry; just bear with me.
6 Q Okay. You were asked some questions about	6 Same thing with kicking Mr. Kulakowski in
7 whether you would pretend like you were going to hit	7 the groin. That's not something that was part of
8 Mr. Kulakowski with your truck or if you actually	8 your job duties, correct?
9 hit him. I think that was a do you recall question.	9 A Correct.
10 Did you ever act like you were going to hit	10 Q It wasn't something you were employed to do,
11 him with your truck or hit him with your truck?	11 correct?
12 A No, I've never hit him with the truck, I'm	12 A Correct.
13 sure. And no, I never -- I never made any attempt	13 Q That's not something that, if it happened,
14 to run over Mr. Kulakowski, no. I think that's what	14 was serving in any positive way to WestRock,
15 you asked.	15 correct?
16 Q Yes. You were asked about an incident in	16 MS. COLLINS: Objection to form.
17 the shipping office and whether you recalled	17 BY MS. DOHNER SMITH:
18 throwing Mr. Kulakowski across a desk. Is that	18 Q It wasn't in service?
19 something you just don't recall or that didn't	19 A Right.
20 happen?	20 Q That's not something that WestRock would
21 A No, I didn't -- I didn't do that.	21 expect a general manager to do?
22 Q Okay. Part of your job responsibilities as	22 MS. COLLINS: Objection to form.
23 the general manager would be to ensure that	23 THE WITNESS: To?
24 WestRock's policies were complied with, correct?	24 BY MS. DOHNER SMITH:
25 A Right.	25 Q To kick Mr. Kulakowski in the groin?
Page 67	
1 Q That includes the code of conduct?	1 A To actually hit?
2 A Yes.	2 Q To kick him in the groin, to make contact
3 Q That includes the anti-violence policy?	3 and kick him in the groin?
4 A Yes.	4 A Right.
5 Q And that would include the anti-harassment	5 Q And that's not something that WestRock
6 policy?	6 authorized you to do, kick him in the groin?
7 A Yes.	7 A Right.
8 Q Hitting Mr. Kulakowski in his groin would	8 Q We're going to run through the same thing
9 not be part of your job duties, would it?	9 with grabbing of the groin. That's not something
10 A No.	10 that's part of your job duties, correct?
11 Q That's not something you were employed by	11 A Right.
12 the company to do, correct?	12 Q It's not something you were employed to do?
13 A Correct.	13 A Correct.
14 Q And I'm not saying you did it, but that	14 Q Doing that would not be in service to
15 would not be anything that was serving to WestRock	15 WestRock in any way?
16 in any way, correct?	16 MS. COLLINS: Objection to form.
17 A Correct.	17 THE WITNESS: Correct.
18 Q And that's not something that WestRock would	18 BY MS. DOHNER SMITH:
19 expect from you as a general manager, correct?	19 Q It's not something that WestRock would have
20 MS. COLLINS: Objection to form.	20 expected you to do?
21 THE WITNESS: As far as hitting?	21 MS. COLLINS: Objection to form.
22 BY MS. DOHNER SMITH:	22 THE WITNESS: Correct.
23 Q Actually hitting him in the groin.	23 BY MS. DOHNER SMITH:
24 A Right.	24 Q And that's not something that WestRock would
25 Q Okay. And you were never authorized by	25 have authorized you to do?

1 A Correct. 2 MS. COLLINS: Objection to form. 3 BY MS. DOHNER SMITH: 4 Q Let's run through the same thing with 5 hitting Mr. Kulakowski with a broom. That's not 6 something that would be part of your job duties? 7 A Correct. 8 Q Not something you were employed to do? 9 A Correct. 10 Q Not something that would be in service of 11 WestRock? 12 MS. COLLINS: Objection to form. 13 THE WITNESS: Correct. 14 BY MS. DOHNER SMITH: 15 Q Not something WestRock would have expected 16 you to do? 17 MS. COLLINS: Objection to form. 18 THE WITNESS: I'm sorry. I'm losing 19 you now. 20 BY MS. DOHNER SMITH: 21 Q Sorry. I think I'm getting a little softer. 22 Sorry about that. 23 Hitting Mr. Kulakowski with a broom, that's 24 not something WestRock would have expected you to 25 do?	Page 70 1 BY MS. DOHNER SMITH: 2 Q And that is not something that authorized -- 3 or WestRock would have authorized you to do? 4 A No. 5 Q And by no with those, you mean correct, that 6 was a correct statement? 7 A Correct. I'm sorry. 8 Q All right. Let's talk about the allegation 9 that you hit him with your truck or pretended to hit 10 him with your truck. That's not something that 11 would be part of your job duties? 12 A No. 13 Q And that is not something you were employed 14 to do? 15 A Correct. 16 Q Your earlier no, that means correct? 17 A Right. 18 Q Thank you. That wouldn't be serving 19 WestRock in any way, correct? 20 A Correct. 21 MS. COLLINS: Objection to form. 22 BY MS. DOHNER SMITH: 23 Q And that was not something WestRock would 24 expect you to do, correct? 25 A Correct.
Page 71 1 MS. COLLINS: Objection to form. 2 THE WITNESS: No. 3 BY MS. DOHNER SMITH: 4 Q And that's not something WestRock authorized 5 you to do? 6 A No. 7 Q Same thing with -- there's been an 8 allegation that you unzipped your pants, exposed 9 your penis and told Mr. Kulakowski to suck your 10 dick. 11 That's not something that would be part of 12 your job duties, correct? 13 A No. 14 Q That's not something you were employed to 15 do? 16 A No. 17 Q That's not something that would be in 18 service to WestRock in any way? 19 MS. COLLINS: Objection to form. 20 THE WITNESS: No. 21 BY MS. DOHNER SMITH: 22 Q That is not something that WestRock 23 expected? 24 MS. COLLINS: Objection to form. 25 THE WITNESS: No.	Page 71 1 MS. COLLINS: Objection to form. 2 BY MS. DOHNER SMITH: 3 Q And that's not something that you were 4 authorized by WestRock to do, correct? 5 A Correct. 6 Q What about calling an employee a pussy, is 7 that something that would be part of your job 8 duties? 9 A No. 10 Q You weren't employed to call people that 11 term, were you? 12 A No. 13 Q And if you had called somebody a pussy, that 14 wouldn't be serving WestRock in any way, correct? 15 A No. 16 MS. COLLINS: Objection to form. 17 BY MS. DOHNER SMITH: 18 Q WestRock wouldn't expect you as a general 19 manager to be calling employees pussies, correct? 20 A No. 21 MS. COLLINS: Objection to form. 22 THE WITNESS: Correct. 23 BY MS. DOHNER SMITH: 24 Q And that's not something that WestRock would 25 authorize and say, hey, call --

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1	MS. COLLINS: Objection to the form.	1	Hitting Mr. Kulakowski with a broom would be
2	BY MS. DOHNER SMITH:	2	a violation of company policy, correct?
3	Q -- your employees pussies, correct?	3	A Correct.
4	A Correct.	4	Q Hitting him with your car would be -- or
5	Q Same thing with calling Mr. Kulakowski a	5	your truck --
6	quote/unquote fucking Polak. That wouldn't be part	6	A Correct.
7	of your job duties, correct?	7	Q My husband doesn't want his truck called a
8	A Correct.	8	car, so...
9	Q You weren't employed to do that, correct?	9	A Right.
10	A Correct.	10	Q So hitting him with your truck would not
11	Q And that wouldn't be serving WestRock in any	11	be -- or would be a violation of company policy?
12	way, correct?	12	A Correct.
13	MS. COLLINS: Objection to the form.	13	Q Calling Mr. Kulakowski a pussy, a stupid
14	THE WITNESS: Correct.	14	fucking Polak, or saying I'm going to fuck your
15	BY MS. DOHNER SMITH:	15	wife, those would be a violation of company policy,
16	Q And that is not something WestRock would	16	correct?
17	have expected you to do, correct?	17	A Yeah. And if I'm squirming, it's because
18	MS. COLLINS: Objection.	18	I'm just not used to hearing this language in mixed
19	THE WITNESS: Correct.	19	company.
20	BY MS. DOHNER SMITH:	20	Q I'm sorry. I grew up with four brothers, so
21	Q And that's not something that you were	21	I've heard it all by now.
22	authorized to do, correct?	22	A Okay. Well, yeah. No, they don't expect me
23	A Correct.	23	to do that.
24	Q There's also been an allegation by	24	Q And those would all be a violation of
25	Mr. Kulakowski that you made a comment to him that	25	company policy?
	Page 75		Page 77
1	he needed to stay late so you could go home and fuck	1	A Yes.
2	his wife. Is that anything that you ever said to	2	Q Okay. Employees receive a copy of the -- of
3	him?	3	the employee handbook, correct?
4	A No.	4	A Yes.
5	Q Would that be part of your job duties?	5	Q And that has a copy of the compliance
6	A No.	6	hotline in it; is that correct?
7	Q Would that be something you were employed to	7	A Yes.
8	do?	8	Q Now, the compliance hotline, that's also
9	A No.	9	posted at the --
10	Q Would that be something that was serving	10	A Yes.
11	WestRock in any way?	11	Q -- facility, correct?
12	A No.	12	A It is.
13	Q Is that something WestRock would have	13	Q And that's been posted for years, correct?
14	expected you to say to an employee?	14	A Yes.
15	A No.	15	Q That's not something that just went up in
16	MS. COLLINS: Objection to form.	16	2016.
17	BY MS. DOHNER SMITH:	17	A No.
18	Q Is that something that WestRock authorized	18	Q That's been there for a long time?
19	you to say to an employee?	19	A Yes.
20	A No.	20	Q How far back can you recall the compliance
21	Q Now, actually, making contact, hitting,	21	hotline being posted?
22	kicking, grabbing Mr. Kulakowski in the groin, that	22	A Ever since we had one.
23	would be a violation of WestRock's policies,	23	Q Do you know when that was?
24	correct?	24	A I do -- it's been a long, long time.
25	A Correct.	25	Q Okay.

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1	A Years and years.	1	A No, it would not.
2	Q And that's posted on the employee bulletin	2	Q And that would be a violation of policy?
3	board in the breakroom?	3	A Yes, it would.
4	MS. COLLINS: Objection to form.	4	Q So you draw a distinction between the kind
5	THE WITNESS: Well, the bulletin boards	5	of act of pretending you're going to hit somebody
6	are not in the breakroom.	6	and then actually hitting somebody?
7	BY MS. DOHNER SMITH:	7	A Yes.
8	Q Oh, okay. Where are they?	8	Q Okay. Earlier you asked if you recalled
9	A They're in the walkway --	9	whether you told employees that hotline complaints
10	Q Okay.	10	came to you. Is that something you just don't
11	A -- to the breakroom.	11	recall telling them or is that something you didn't
12	Q Okay. And that's where that's posted?	12	tell them?
13	A Yes.	13	A I'm sorry. Say that -- I'm not sure I
14	Q All right.	14	understood what you just asked me.
15	A Or that's where they were. I don't know if	15	Q Sorry. And I talk fast. I'm from the
16	they've been moved or not.	16	north.
17	Q Okay.	17	A No, that's okay. I'm just not sure I
18	A When I was there, they were in the -- they	18	understood what you said.
19	were in the -- posted in the walkway.	19	Q Earlier you were asked a question about
20	Q Okay. Thank you.	20	whether you recall if you told employees that
21	Throwing somebody across a desk, that's not	21	hotline complaints came to you.
22	something that would be part of your job duties,	22	A Okay.
23	correct?	23	Q And you said no. So do you just not recall
24	A Correct.	24	that or is that something you didn't tell employees?
25	Q And that's not something you were employed	25	A I -- I did not tell employees that hotline
	Page 79		Page 81
1	to do?	1	complaints came to me.
2	A Correct.	2	Q Okay. Because they don't come to you,
3	Q And that's not something that would be	3	right?
4	serving to WestRock in any way?	4	A They don't -- no, I don't get them. Now, as
5	A Correct.	5	I did say earlier, I may be asked about them by
6	MS. COLLINS: Objection to form.	6	somebody like Terri Henley.
7	BY MS. DOHNER SMITH:	7	Q I think earlier you testified that with your
8	Q That's not something WestRock expected you	8	group of friends you would pretend, you know, to hit
9	to do?	9	them, but you wouldn't do that with female
10	MS. COLLINS: Objection to form.	10	employees?
11	THE WITNESS: Correct.	11	A Right.
12	BY MS. DOHNER SMITH:	12	Q Why wouldn't you do that with female
13	Q And that's not something WestRock authorized	13	employees?
14	you to do?	14	A I'm not sure that -- they're just not that
15	A Correct.	15	close a friendly relationship with female employees
16	Q I think you testified that this group of	16	16 to do that.
17	friends that would pretend to hit each other, it	17	Q Okay. And you didn't engage in that type of
18	wasn't expected that anybody was actually going to	18	conduct, pretending to hit people, males that
19	hit each other, was it?	19	weren't your friends? That's a horrible question.
20	MS. COLLINS: Objection to form.	20	A No, we didn't.
21	THE WITNESS: No, no.	21	Q Did you understand what I asked? For
22	BY MS. DOHNER SMITH:	22	example, men that weren't your friends, you didn't
23	Q And if they were actually hitting each other	23	pretend to slap them in the groin either?
24	in the groin, that would not be appropriate	24	A The men that you didn't know, yeah,
25	workplace behavior?	25	newcomers, those, no, didn't.

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1 Q	So it was just your male friends?	1 Q	Yes.
2 A	Yeah. It was the -- yeah, the group of	2 A	I don't remember ever telling Keith that I
3	guys. And that's what it amounted to, just a group	3	was going to resign, no. Now, I will say that I was
4	of guys that worked together, and they were very	4	63 years old. My intention would have been to
5	comfortable working with each other.	5	retire after 65. And we were having discussions
6 Q	You've never threatened to terminate an	6	about my retirement, but we had no discussion
7	employee if they reported you to the compliance	7	about -- but I don't know about how much discussion
8	hotline?	8	I had with Keith about that. But no, I didn't have
9 A	No.	9	any discussion about resigning.
10 Q	Did you ever tell Mr. Kulakowski to work off	10 Q	A moment ago you said that you were
11 the clock?		11	uncomfortable with some of the language that was
12 A	No.	12	used in mixed company, right?
13 Q	Did you ever tell him that he couldn't punch	13 A	Here, yes.
14 in if he came back to work after he left during his		14 Q	Would you also be uncomfortable with curse
15 normal shift?		15	words or the type of language that was used in mixed
16 A	If he was called back? No.	16	company in the workplace?
17 Q	You expected he would punch in if he was	17 A	Yes.
18 called back to work?		18 Q	So using that sort of language in the
19 A	Yes.	19	workplace was primarily around men or guys?
20	MS. DOHNER SMITH: That's it.	20	MS. DOHNER SMITH: Objection.
21	MS. COLLINS: I have a couple of	21	THE WITNESS: Yes.
22	follow-up.	22	MS. COLLINS: That's all I have.
23	E X A M I N A T I O N	23	MR. JOHNSTON: Mr. Whited --
24	BY MS. COLLINS:	24	MS. DOHNER SMITH: I'm sorry.
25 Q	You were asked on cross-examination about	25	MR. JOHNSTON: Go ahead.
	Page 83		Page 85
1	cursing in the workplace. Was that -- and you	1	E X A M I N A T I O N
2	specifically said a bunch of redneck guys, something	2	BY MS. DOHNER SMITH:
3	a bunch of redneck guys do --	3 Q	Did women at the -- working out on the floor
4 A	Okay.	4	tend to cuss as well or use cuss words?
5 Q	-- right?	5 A	Not in front of -- not in front of me. I
6	Was cursing in the workplace something that	6	would hear occasionally somebody would.
7	happened on a regular basis?	7 Q	Okay. All right. So it's not that cussing
8 A	Cursing happened, yes. Yes.	8	didn't go on in front of women; you just weren't
9 Q	You didn't write any employees up for	9	there to hear it?
10	cursing in the workplace, did you?	10 A	Right.
11 A	No.	11 Q	Okay.
12 Q	You didn't have Mike Eden write -- or Larry	12 A	And if it was -- I will go on to say, if it
13	Eden write up employees for cursing in the	13	was -- if this was loud, if this was broadcasted --
14	workplace, did you?	14	you know, when I mentioned counseling folks about
15 A	No. Now, that's not to say that we didn't	15	some of this, yeah, we -- we didn't want it -- if
16	coach or counsel people.	16	the two of you were sitting there having a
17 Q	Would that have been documented?	17	conversation and you wanted to keep it between the
18 A	No.	18	two of you, I don't care what kind of language you
19 Q	Okay. Do you recall calling Keith Hall and	19	used. You know, that would be between the two
20	telling him that you were going to resign at the	20	friends. But that young lady down there didn't need
21	beginning of 2017?	21	to hear that.
22 A	No.	22 Q	Okay.
23 Q	Do you dispute that you told him something	23 A	I hope that answered the question.
24	like that?	24	MS. DOHNER SMITH: It does. That's it.
25 A	That I was going to resign?	25	MS. COLLINS: Your turn, if you have

	Page 86		Page 88
1	anything.	1	REPORTER'S CERTIFICATE
2	MR. JOHNSTON: Just quickly.	2	
3	E X A M I N A T I O N	3	I, Jerri L. Porter, RPR, CRR, Notary
4	BY MR. JOHNSTON:	4	Public and Court Reporter, do hereby certify that I
5	Q Mr. Whited, how long have you known	5	recorded to the best of my skill and ability by
6	Mr. Kulakowski?	6	machine shorthand all the proceedings in the
7	A Actually, I think he worked for the plant	7	foregoing transcript, and that said transcript is a
8	ten, eleven years.	8	true, accurate, and complete transcript to the best
9	Q Okay. And that -- and your knowledge of	9	of my ability.
10	Mr. Kulakowski is through his employment at the	10	I further certify that I am not an
11	plant, correct?	11	attorney or counsel of any of the parties, nor a
12	A I met him just shortly before I hired him.	12	relative or employee of any attorney or counsel
13	And then in way of explanation, he was working at	13	connected with the action, nor financially
14	the facility that we leased, and I hired him from	14	interested in the action.
15	that because of his forklift experience.	15	SIGNED this 2nd day of January, 2018.
16	Q All right. And over the course of that ten	16	
17	or eleven years, did you work with him more or less	17	
18	on a regular basis?	18	
19	A Yes.	19	
20	Q Interact with him frequently, two, three,	20	
21	four times a week?	21	 Jerri L. Porter, RPR, CRR
22	A Oh, absolutely, yes.	22	My Notary commission expires: 2/19/2018
23	Q Over that period of time, did you develop an	23	Tennessee LCR No. 335
24	opinion as to Mr. Kulakowski's truthfulness?	24	Expires: 6/30/2018
25	A Yes.	25	
	Page 87		Page 89
1	Q And what's that opinion?	1	E R R A T A
2	MS. COLLINS: Objection to form.	2	
3	THE WITNESS: Not truthful.	3	I, WILLIAM TOMMY WHITED, having read the
4	MR. JOHNSTON: Thank you. That's all I	4	foregoing deposition, Pages 1 through 87, taken
5	have.	5	December 21, 2017, do hereby certify said
6	MS. COLLINS: That's all I have.	6	testimony is a true and accurate transcript,
7	MS. DOHNER SMITH: That's it.	7	with the following changes, if any:
8	VIDEOGRAPHER: This marks the end of	8	PAGE LINE SHOULD HAVE BEEN
9	Disk 1 and it concludes the video deposition of	9	_____
10	William Tommy Whited. We are off the record. The	10	_____
11	time on the monitor is 11:15 a.m.	11	_____
12	FURTHER DEPONENT SAITH NOT.	12	_____
13	(Proceedings concluded at 11:15 a.m.)	13	_____
14		14	_____
15		15	_____
16		16	_____
17		17	
18		18	
19		19	WILLIAM TOMMY WHITED
20		20	
21		21	
22		22	Notary Public
23		23	My commission expires: _____
24		24	
25		25	